

## ACCESS SERVICE

22. Discount Plans (Cont'd)22.1 National Discount Plan (Cont'd)

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22.1.1 General (Cont'd)

## (B) Specific Terms and References (Cont'd)

(9) Average Monthly Rate Per Equivalent DS1 CT: shall mean the rate as calculated in accordance with in Section 22.1.7(C)(1) following.

(10) Channel Termination(s): shall mean the applicable Special Access channel terminations for Qualifying Services (as used in the Telephone Company's Tariff FCC No. 1 (FCC1) and the Telephone Company's Tariff FCC No. 11 (FCC11)), the applicable Special Access Lines (SAL(s)) for Qualifying Services (as used in the Telephone Company's Tariff FCC No. 14 (FCC14)), and the applicable Circuit Terminations for Qualifying Services (as used in this tariff) as follows:

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(a) Channel Terminations for Special Access DS1 Services which are described in Section 7.2.9 of FCC1, Section 7.2.9 of FCC11, Section 5.3.6 of FCC14, and Section 7.11.1 preceding of this tariff; and

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(x)

(b) Channel Terminations for Special Access DS3 Services using electrical and optical interfaces which are described in Section 5.3.6 of FCC14, and Section 7.11.1 preceding of this tariff; and

(x)

(c) Primary and Secondary Channel Terminations for Special Access DS3 Services using electrical and optical interfaces which are described in Section 7.2.9 of FCC1, and Section 7.2.9 of FCC11; and

(x)

(d) Channel Terminations for FMS Services which are described in Section 7.2.13 of FCC1 and Section 7.2.16 of FCC11; and

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(e) Channel Terminations for IEF Services.

(11) Channel Mileage: shall mean the applicable channel mileage for Qualifying Services (as used in FCC1 and FCC11), the applicable Special Transport for Qualifying Services (as used in FCC14), and the applicable Circuit Mileage for Qualifying Services (as used in this tariff) as follows:

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(x)

(a) Channel Mileage for Special Access DS1 Services and Special Access DS3 Services which are described in Section 7.2.9 of FCC 1, Section 7.2.9 of FCC11, Section 5.3.6 of FCC14, and Section 7.11 preceding of this tariff; and

(x)

(b) Channel Mileage for FMS Services which are described in Section 7.2.13 of FCC1, and Section 7.2.16 of FCC11.

(x)

(12) Commitment Buy Up Bonus: shall mean an option available to the NDP Customer which allows the NDP Customer to increase (buy-up) their CT Commitment Level and/or their CM Commitment Level, and receive a discount one or both Commitment Levels as described in Section 22.1.7(E) following.

(13) CBB Discount: shall mean the Commitment Buy-Up Bonus Discount as described in Section 22.1.7(E) following.

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22. Discount Plans (Cont'd)22.1 National Discount Plan (Cont'd)

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22.1.1 General (Cont'd)

## (B) Specific Terms and References (Cont'd)

(14) Commitment Level: shall mean the CM Commitment Level (i.e., the total number of Equivalent DS1 CMs) and/or the CT Commitment Level (i.e., the total number of Equivalent DS1 CTs) that the NDP Customer must commit to the NDP, as described further in Section 22.1.4 following. If the NDP Customer has Channel Terminations and Channel Mileage, then the NDP Customer must establish a separate Commitment Level for Channel Terminations (CT Commitment Level) and a separate Commitment Level for Channel Mileage (CM Commitment Level).

(15) Commitment Matrix: shall mean either the Premier Commitment Matrix or the Standard Commitment Matrix, as each is described in Section 22.1.4(C) following.

(16) Discount Tier: shall mean the tier in each of the tables set forth in Section 22.1.4(B) following into which the NDP Customer falls based on the actual quantities of Equivalent DS1 CTs or Equivalent DS1 CMs, as applicable.

(17) Discount Tier Adjustment: shall mean the adjustment (if applicable) to a higher or a lower discount tier based on the difference (if any) between the NDP Customer's Achieved Discount Tier and Assigned Discount Tier, as calculated during the Annual True-Up Period. See Section 22.1.7(D) for further explanation.

(18) Discounted Rate Elements: shall mean those rate elements of the Qualifying Services that receive a discount under the NDP. A listing of the Discounted Rate Elements is set forth in Section 22.1.5(A) following.

(19) Equivalent DS1 CTs: shall mean the total number of equivalent DS1 Channel Terminations for Qualifying Services as determined in accordance with Section 22.1.4 following.

(20) Equivalent DS1 CMs: shall mean the total number of equivalent DS1 Channel Miles for Qualifying Services as determined in accordance with Section 22.1.4 following.

(21) FMS Services: shall mean Special Access Service provided as Facilities Management Service under Section 7.2.13 of FCC1 and Section 7.2.16 of FCC11. Switched Access FMS Services are not included in the NDP.

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(22) IEF Services: shall mean, as applicable, either (a) Special Access IntelliLight® Entrance Facilities STS1 terminations (excluding interface options) as described in Section 7.2.15 of FCC1, Section 26.1.4 of FCC11, Section 20.4 of FCC14, and Section 20.4 preceding of this tariff; or (b) Telephone Company provided SONET entrance facility STS1 terminations (excluding interface options) provided by the Telephone Company where such service is technically and operationally feasible, as determined by the Telephone Company.

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(23) Initial Term: shall mean the five (5) year initial term of the NDP.

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## ACCESS SERVICE

22. Discount Plans (Cont'd)22.1 National Discount Plan (Cont'd)

(N)

22.1.1 General (Cont'd)

## (B) Specific Terms and References (Cont'd)

(24) Monthly Average Count of Equivalent DS1 CMs: shall mean the average number of Equivalent DS1 CMs that were in-service during each month of the Annual True-Up Period, as calculated in accordance with Section 22.1.7(B)(1) following.

(25) Monthly Average Count of Equivalent DS1 CTs: shall mean the average number of Equivalent DS1 CTs that were in-service during each month of the Annual True-Up Period, as calculated in accordance with Section 22.1.7(B)(1) following.

(26) Monthly Charges: shall mean the dollar amount of monthly recurring charges billed by the Telephone Company for Discounted Rate Elements.

(27) Monthly Shortage: shall mean the difference between (i) the Monthly Average Count of Equivalent DS1 CTs or Monthly Average Count of Equivalent DS1 CMs, as applicable; and (ii) the NDP Customer's CT Commitment Level or CM Commitment Level, respectively.

(28) NDP Customer: shall mean collectively the subscribing customer (as defined in Section 2.6 preceding) and all of the NDP Customer's Affiliates that are subscribed to the NDP.

(29) NDP Start Date: shall mean the start date of the NDP Customer's NDP as described in Section 22.1.2(A)(1) following.

(30) Non-Discounted Billed Amounts: shall mean the Monthly Charges for the Discounted Rate Elements that would have been billed if the discount percentages of the NDP had not been applied, as calculated in accordance with Section 22.1.7(D) following.

(31) Person: shall mean any individual, corporation, association, partnership (general or limited), joint venture, trust, estate, limited liability company, or other legal entity or organization.

(32) Plan Year: shall mean each 12 month period during the Term of the NDP commencing on the NDP Start Date and each Anniversary Date thereafter, as applicable.

(33) Qualifying Services: shall mean Special Access DS1 Services, Special Access DS3 Services, FMS Services, and IEF Services provided by the Telephone Company to the NDP Customer as more specifically described in Section 22.1.3 following of this tariff, Section 25.3.3 of FCC1, Section 25.2.3 of FCC11, and Section 23.1.3 of FCC14.

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(34) Renewal Term: shall mean any renewed term of the NDP.

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22. Discount Plans (Cont'd)22.1 National Discount Plan (Cont'd)

(N)

22.1.1 General (Cont'd)

## (B) Specific Terms and References (Cont'd)

(35) **Sale Adjustment**: shall mean an adjusted amount of Equivalent DS1 CTs and an adjusted amount of Equivalent DS1 CMs which are no longer provided to the NDP Customer as a result of a Telephone Company Sale.

(36) **Shortfall Penalty**: shall mean a penalty assessed against the NDP Customer when it fails to meet its CT Commitment Level and/or CM Commitment Level, as applicable, as further described in Section 22.1.7(C) following.

(37) **Special Access DS3 Service**: shall mean Special Access DS3 High Capacity Service as described in Section 7.11 of this tariff, Special Access DS3 High Capacity/44.736 Mbps Service as described in Section 7.2.9 of FCC1, Special Access High Capacity 44.736 Mbps Service as described in Section 7.2.9 of FCC11, and Special Access High Capacity Digital DS3 Service as described in Section 5.3.6(E) of FCC14.

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(38) **Special Access DS1 Service**: shall mean Special Access DS1 High Capacity Service as described in Section 7.11 of this tariff, Special Access DS1 High Capacity/1.544 Mbps Service as described in Section 7.2.9 of FCC1, Special Access High Capacity 1.544 Mbps Service as described in Section 7.2.9 of FCC11, and Special Access High Capacity Digital DS1 Service as described in Section 5.3.6(A) of FCC14.

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(39) **Subscription Date**: shall mean the date that the Telephone Company receives an executed and completed subscription document from the NDP Customer as described in Section 22.1.2(A) following.

(40) **Telephone Company Sale**: shall mean the sale or other divestiture of an operating territory or a portion of an operating territory of a Telephone Company, whereby the Telephone Company no longer provides Qualifying Services in such operating territory or portion of an operating territory.

(41) **Term**: shall mean the Initial Term, and any Renewal Term(s).

(42) **Upgrade or Upgraded**: shall mean the replacement of (i) a Qualifying Service with a Qualifying Service of a higher bandwidth or capacity (e.g., replacement of a Special Access DS3 Service with an IEF Service); or (ii) a Qualifying Service with another Telephone Company provided service of a higher bandwidth or capacity that is not a Qualifying Service (e.g., replacement of a Special Access DS3 Service with an Ethernet Service of a higher bandwidth).

(43) **Upgrade Adjustment**: shall mean an adjusted number of Equivalent DS1 CTs and an adjusted number of Equivalent DS1 CMs that were Upgraded by the NDP Customer during the Annual True-Up Period.

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(This page filed under Transmittal No. XXX.)